

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES WILLIAMS,
Plaintiff,

V.

**THE PA DEPT. OF CORRECTIONS,
et al.,**

Defendants.

C.A. No. 20-794 Pittsburgh

District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

Plaintiff Charles Williams, an inmate formerly incarcerated at the State Correctional Institution at Fayette in LaBelle, Pennsylvania (“SCI-Fayette”), commenced this *pro se* civil rights action on June 1, 2020, against the Pennsylvania Department of Corrections (“DOC”) and numerous DOC employees, most of whom are staffed at SCI-Fayette (collectively referred to as “DOC Defendants”), and Dr. Jin, a physician under contract with the DOC to perform medical services at SCI-Fayette (“Jin”). Plaintiff subsequently filed an amended complaint on August 3, 2021 [ECF No. 33], which is the operative pleading in this case. The amended complaint asserts claims for violation of Plaintiff’s constitutional rights under the first, eighth, and fourteenth amendments to the United States Constitution. This matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On September 10, 2021, Defendant Jin filed a motion to dismiss Plaintiff's claims against him for failure to state a claim upon which relief may be granted and for failing to comply with

the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure [ECF No. 41]. The DOC subsequently filed their own motion to dismiss on September 16, 2021, citing the same bases [ECF No. 47]. In response, Plaintiff filed multiple documents that the Magistrate Judge appropriately construed as briefs in opposition to Defendants' motions [ECF Nos. 52, 56, 57, 74]. Defendant Jin filed a reply brief [ECF No. 59], to which Plaintiff filed a sur-reply [ECF No. 63].

On April 5, 2022, Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that Defendants' motions to dismiss [ECF Nos. 41, 47] be granted and that all of Plaintiff's claims be dismissed, without prejudice to Plaintiff's right to file an amended complaint to correct the deficiencies cited in the R&R. Plaintiff has filed timely objections to the R&R [ECF Nos. 88, 89]; however, the objections largely object to the characterization of Plaintiff's corrected complaint filed on August 3, 2021, as an "amended complaint," which has nothing to do with the substance of the R&R.¹ In addition, the remaining objections raised by Plaintiff in his most recent filing [ECF No. 89] simply restate arguments he previously raised in the documents he filed in opposition to Defendants' motions to dismiss, which have already been appropriately considered by the Magistrate Judge.

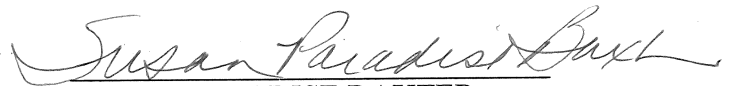
After *de novo* review of the relevant documents in this case, together with the report and recommendation and objections thereto, the following order is entered:

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Apparently, at some point Plaintiff discovered that the pages of the original complaint he filed on June 20, 2020, were somehow misdocketed due to an alleged clerical error [ECF No. 20]. Thus, Plaintiff was prompted to file a "motion to replace the complaint" to correct the docketed version of the original complaint [ECF No. 30]. Attached to this motion was a corrected complaint containing the desired pagination [ECF No. 30-1]. Plaintiff's motion was construed by the Magistrate Judge as a motion to amend complaint, which was granted by Order dated August 3, 2021 [ECF No. 32]. Pursuant to this Order, the corrected complaint that was attached to Plaintiff's motion [ECF No. 30-1] was detached and docketed separately as Plaintiff's "amended complaint" [ECF No. 33], which is the subject of Defendants' motions to dismiss. Thus, Plaintiff's argument that Defendants' motions seek to dismiss a non-existent "amended complaint" is without merit.

AND NOW, this 11th day of May, 2022;

IT IS HEREBY ORDERED that Defendants' motions to dismiss Plaintiff's amended complaint [ECF No. 41, 47] are GRANTED, without prejudice to Plaintiff's right to file a full and complete amended complaint within thirty (30) days of the date of this Order. Plaintiff's amended complaint must: (1) specify the Defendant(s) against whom each claim is asserted; (2) provide a short and plain statement of the facts in accordance with Rule 8 of the Federal Rules of Civil Procedure; (3) identify what each Defendant did or did not do, including when and for how long, and if the violation of rights is ongoing; (4) explain Plaintiff's actual injuries, other than a simple statement that his civil rights were violated; and (5) the relief Plaintiff is seeking. Plaintiff's failure to file an amended complaint complying with the foregoing instructions within thirty (30) days of this Order will result in dismissal of this case for Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Lanzillo, issued April 5, 2022 [ECF No. 81], is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge